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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Natsuhiko MIZUTANI et al.)	Examiner: J. S. Ruggles
Application No.: 10/529,892)	Group Art Unit: 1795
U.S. National Stage Completion)	Confirmation No.: 7800
Under 35 U.S.C. § 371: November 22, 2005)	
For: NEAR-FIELD LIGHT GENERATING METHOD,)	February 27, 2009
NEAR-FIELD EXPOSURE MASK, AND NEAR-)	
FIELD EXPOSURE METHOD AND APPARATUS :)	

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office

Action dated February 2, 2009.

The Office Action sets forth a restriction requirement between two groups of claims: Group I, claims 5-9, is drawn to a near field exposure mask that includes a light blocking layer having a fine opening on a base material (claims 5-7, classified in class 430, subclass 5); an exposure method that includes exposure of an exposure object to light by using the exposure mask (claim 8, classified in class 430, subclass 311); and an exposure apparatus that includes the exposure mask along with a light source (claim 9, classified in

class 355, subclass 18); and Group II, claims 1-4 and 10-13, drawn to a near field light generating method (claims 1-4) and a near field optical head for generating a light spot on a light outgoing side of a rectangular or slit opening (claims 10 and 11, classified in class 250, subclass 216); an optical microscope tht includes the optical head for observation of a sample surface (claim 12, classified in class 359, subclass 385); and a recording and reproducing apparatus that includes the optical head along with a recording medium (claim 13, classified in class 369, subclass 44.23).

The Examiner asserts that the special technical features of Group I for exposure of an exposure object are different from those of Group II for observation of a sample surface, so that these groupings have acquired a separate status in the art because of different classification and divergent subject matter. This contention is respectfully traversed.

Applicants submit that the inventions of Groups I and II are closely related in the field of near field exposure that a proper search of any of the claims would, of necessity, require a search of the others. Applicants submit, therefore, that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of another

application, consisting of the same disclosure, and being subjected to substantially the same search, perhaps by a different Examiner on a different occasion. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, Applicants request reconsideration and withdrawal of the restriction requirement. Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group II, namely, claims 1-4 and 10-13.

Favorable consideration and an early passage to issue are also requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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